

Case 7:06-cv-00547-GEC-mfu Document 115 Filed 04/29/08 Page 1 of 4 Pageid#: 1770

extent the defendant seeks to admit the warning page, objected to by plaintiff in his Motion *in Limine*, which was clearly printed from the FMCSA's website in 2008. To the extent, however, Robinson seeks to introduce a "warning page" as displayed on the FMCSA website as of September 12, 2004, plaintiff notes no objection to this item.

2. Plaintiff objects to item 9 of defendant's trial exhibits, which is the Case History Report and Final Order from Civil Action No. 7:05-cv-00312-gec, on the grounds that the proffered exhibit is irrelevant, and, therefore, inadmissible. Moreover, to the extent the Court would view the proffered exhibit as probative of any material fact, such probative value is outweighed by the prejudicial effect of the proffered exhibit. Moreover, this particular exhibit, having been the subject of a Motion *in Limine* filed by defendant, it is plaintiff's understanding of the Court's ruling of April 28, 2008, that this exhibit is inadmissible, except to the extent some portion of it might be used to demonstrate that AKJ Enterprises, Inc., had insurance in place at the time of the accident.

3. Plaintiff objects to item 12 of defendant Robinson's trial exhibits on the grounds that the document identified was not produced in discovery, despite the fact that it would have been directly responsive to at least one of plaintiff's requests for production. See Request No. 15 of Plaintiff's First Request for Production of Documents and Defendant's Response, attached hereto as Exhibit A.

4. Plaintiff reserves the right to object of any of defendant's identified exhibits to the extent the form of the exhibit produced at trial differs from the form of the exhibit as produced to plaintiff during discovery.

5. Plaintiff reserves the right to make at trial any objections not required by Rule 26(a)(3)(B) to be made prior to trial.

Respectfully submitted,

WINFORD DALLAS JONES

s/ Timothy E. Kirtner
Of Counsel

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CERTIFICATE OF SERVICE

I do hereby certify that I have this 29th day of April 2008 electronically filed the foregoing Plaintiff's Objections to Defendant Robinson's Exhibit and Witness Lists with the Clerk of the Court using the CM/ECF system which will send notification of such filing to Paul C. Kuhnel, Esquire, and Robert M. Doherty, Esquire, Wooten Hart PLC, P.O. Box 12247, Roanoke, Virginia 24024-2247, Counsel for C.H. Robinson Worldwide,

Inc.; C. H. Robinson Company; C. H. Robinson Company Inc.; C. H. Robinson Company LP; C. H. Robinson International, Inc.; C. H. Robinson Operating Company LP; and C. H. Robinson Transportation Company Inc.

s/ Timothy E. Kirtner
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